

June 20, 2006 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06SR0289

Ray J. Casella

Matoaca Magisterial District  
North line of River Road

REQUEST: Renewal of Conditional Use (Case 03AN0260) to allow a business (commercial kennel) operated incidental to a dwelling unit.

PROPOSED LAND USE:

In addition to the single family residential use, the applicant plans to continue operation of a commercial kennel that was previously approved to operate on this property (Case 03SN0260).

RECOMMENDATION

A commercial kennel was originally permitted by a Special Exception in 2003. After consideration of public input, should the Commission and Board wish to approve this request, acceptance of the proffered conditions would be appropriate except that Proffered Condition 5 should not be accepted since the proffer would permit a larger sign than typically approved for businesses operated incidental to a dwelling.

- (NOTES:     A.     CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.
- B.     IT SHOULD BE NOTED THAT REVISED PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE

NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS.  
STAFF HAS HAD AN OPPORTUNITY TO REVIEW THE REVISED  
PROFFERED CONDITIONS.)

PROFFERED CONDITIONS

1. The Conditional Use shall be granted to and for Raymond and Cynthia Casella, exclusively, and shall not be transferable nor run with the land. (P)
2. The Conditional Use shall be limited to the operation of a boarding kennel for a maximum of twenty (20) dogs and ten (10) cats. (P)
3. A maximum of two (2) employees other than the applicants shall be engaged in the operation. (P)
4. Areas associated with the keeping of animals shall be cleaned and made free of waste on a regular basis so as to eliminate odors and the proliferation of insects. (P)
5. One (1) sign shall be permitted at the entrance and shall not exceed four (4) square feet. (P)
6. No additional run areas, structures or fenced areas other than those existing areas and structures as shown on the plan prepared by Balzer and Associates dated May 25, 2006 shall be constructed to accommodate this use. (P)
7. Within sixty (60) days from the date the Board of Supervisors approves the Conditional Use request, forty-five (45) feet of right-of-way along the North side of River Road, measured from the centerline of that part of River Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)

GENERAL INFORMATION

Location:

North line of River Road, west of Epps Falls Road. Tax IDs 706-644-2244 and 3551 (Sheet 31).

Existing Zoning:

Agricultural (A) with Conditional Use

Size:

6.0 acres

Existing Land Use:

Single family residential and commercial

Adjacent Zoning and Land Use:

North, South, East and West - A; Single family residential or vacant

UTILITIES

Public Water and Wastewater Systems:

Both the public water system and wastewater system are not available to serve this site. The existing structure is served by a private well and septic system. While use of the public water and wastewater systems is required by County Code for structures authorized by Conditional Use granted after June 23, 1993 within the Rural Conservation Area of the Southern and Western Area Plan; exception is granted if the use is incidental to the principal use that was previously allowed with a septic system as proposed with this case. (County Code Section: 18-64(a)(4)). Renewal of this Conditional Use, with the continued use of a private well and septic system, will not adversely impact the future ability to serve this or any adjacent site by an extension of the public water and/or wastewater system. Use of the public water and wastewater systems will not be required.

Private Well and Septic System:

The Health Department must approve any new well and septic system or expanded use of any existing well and septic system.

ENVIRONMENTAL

The property drains to the southwest via tributaries to the Appomattox River. There are no known on- or off-site drainage and erosion problems and none are anticipated after development.

The proposed property is bisected by a perennial stream and, as such, is subject to a 100 foot conservation area. The plans submitted with the application show the approximate location of the RPA that appears to be based on a wetlands delineation.

Proffered Condition 6 limits the use to the existing areas and structures; therefore, this request will have no greater impact on the environmental feature.

## PUBLIC FACILITIES

### Fire Service:

The Airport Fire Station, Company Number 15, currently provides fire protection and emergency medical service (EMS). This request will have minimal impact on fire and EMS.

### Transportation:

The property is located on the north side of River Road just west of Eppes Falls Road. The applicant is requesting renewal of a conditional use (03AN0260) to operate a commercial kennel incidental to a dwelling. This request will have the same impact on the transportation network as the previously approved Special Exception.

River Road is classified as a major arterial on the county's Thoroughfare Plan with a recommended right-of-way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right-of-way along River Road adjacent to the property, measured from the centerline of the road, in accordance with that Plan. (Proffered Condition 12)

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan, which designates the property as part of the Rural Conservation Area where activities are limited to primarily agricultural and forestal uses with isolated single family residences permitted on larger acreage parcels.

### Area Development Trends:

Area properties are zoned Agricultural (A) and are occupied by single family residential uses on larger acreage parcels or are vacant. The Plan anticipates residential development on these larger parcels continuing in the area as planned development is suggested to be deferred for twenty (20) years unless adequate public facilities are provided.

### Zoning History:

On May 7, 2003, the Board of Zoning Appeals approved a Special Exception for Ray Casella to operate a business (commercial kennel) incidental to a dwelling unit (Case 03AN0260) subject to number of conditions.

Uses:

With the approval of Case 03AN0260, the use was limited to and for Ray Casella only. This proposal seeks to also allow the applicant's wife to operate the business (Proffered Condition 1). Previously, the use was limited to the operation of a boarding kennel for a maximum of twenty (20) dogs and ten (10) cats with no employees other than the applicant engaged in the operation. This request would allow the same kennel operation for twenty (20) dogs and ten (10) cats with a maximum of two (2) employees as well as the applicant. (Proffered Conditions 2 and 3). Case 03AN0260 was granted for a three (3) year period. The applicant is requesting to be allowed to continue to operate the business with no time limit.

Site Design:

Previously, an 1,800 square foot boarding structure was permitted in addition to existing fenced areas to accommodate the use. This boarding structure has not been built. The kennel has operated from an existing structure on the property identified as existing garage on Exhibit A. Proffered Condition 6 prohibits the construction of additional structures and fenced areas to accommodate this use; therefore, the use would be confined to the existing improvements.

Proffered Condition 4 requires the areas associated with the keeping of animals to be kept clean to eliminate odors and the proliferation of insects.

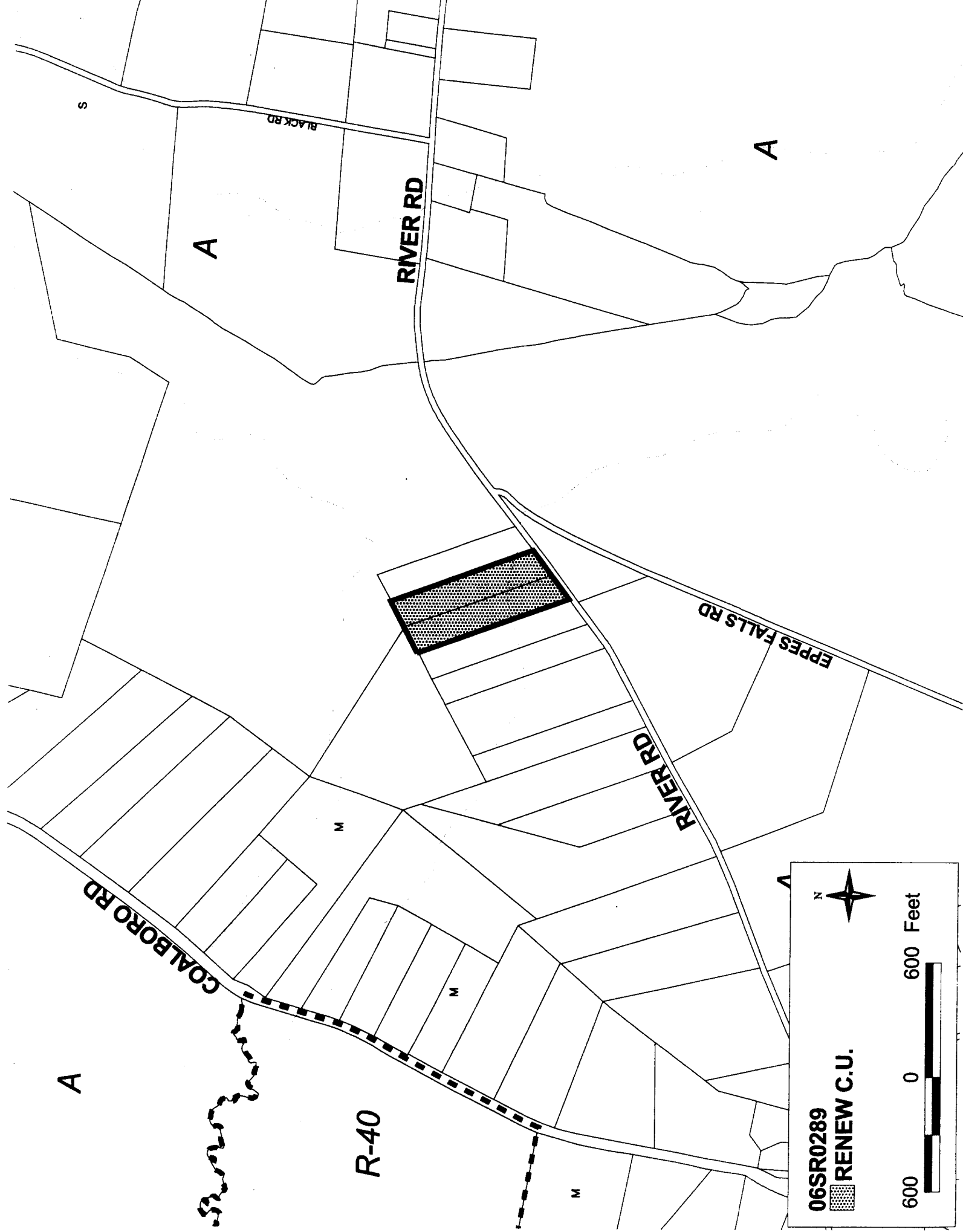
Signage:

No signage other than a one (1) square foot sign as allowed by the Ordinance was permitted with approval of Case 03AN0260. The applicant is proposing one (1) sign up to four (4) square feet (Proffered Condition 5). Staff suggests that this proffered condition not be accepted because it exceeds the one (1) square foot sign typically allowed with a home occupation and which has been approved for businesses operated incidental to a dwelling.

CONCLUSION

Business use was originally permitted by a Special Exception in 2003. If this were a new request, staff would not be supportive because the property is located in the rural conservation area of the Southern and Western Area Plan where the Plan suggests uses should be limited to agricultural and forestal uses and residences on larger acreage parcels with other development deferred for twenty (20) years, until such time as adequate public facilities are provided. This, however, is a renewal of a previously granted Conditional Use.

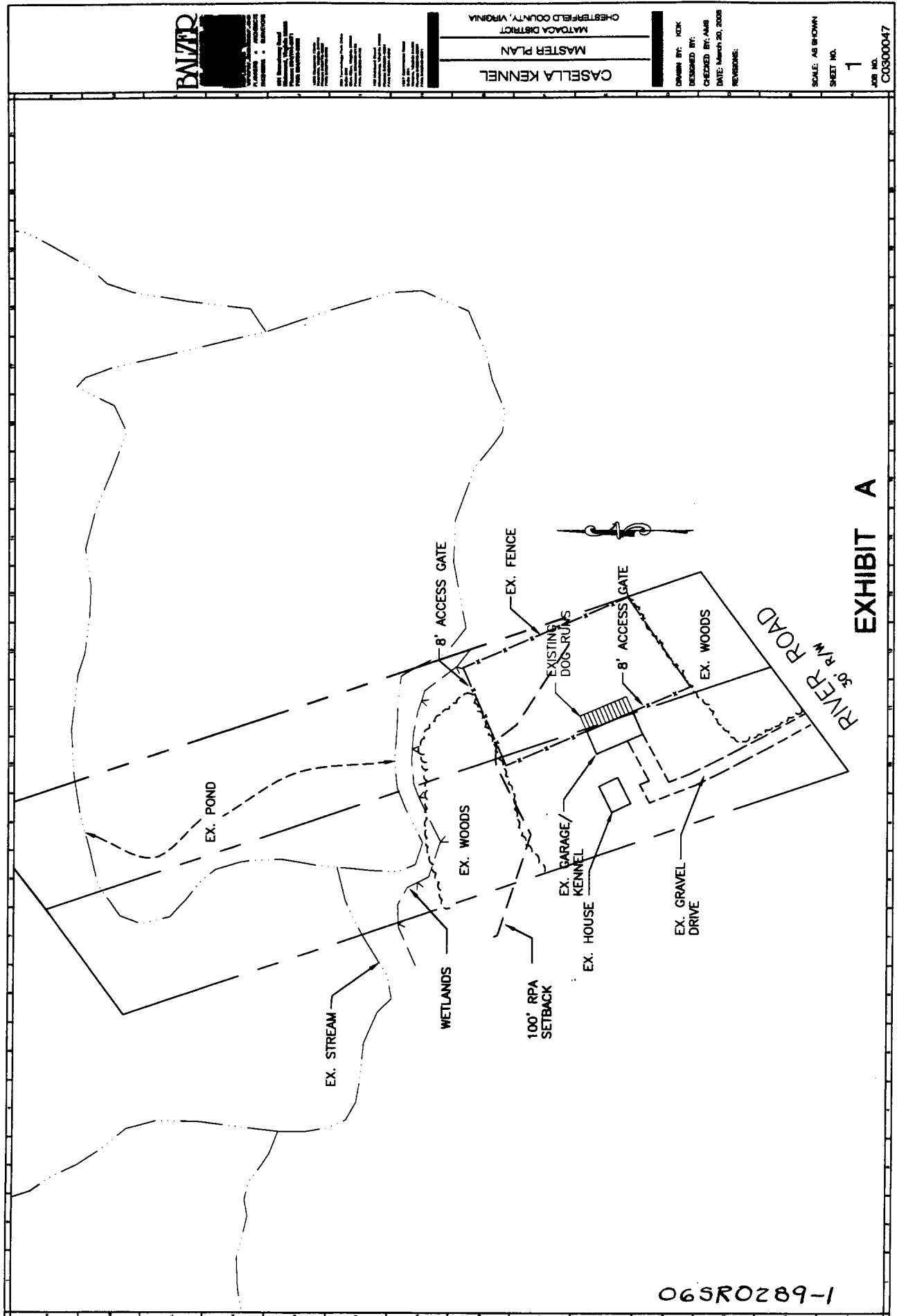
After consideration of public input, should the Commission and Board wish to approve this renewal, acceptance of the proffered conditions would be appropriate except that Proffered Condition 5 should not be accepted since the proffer would permit a larger sign than typically approved for businesses operated incidental to a dwelling.



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RENEW C.U.





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EXHIBIT A